



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON, D.C. 20370-5100

TJR
Docket No: 4152-00
7 December 2000

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 5 December 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record, and applicable statutes, regulations, and policies.

After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found you enlisted in the Marine Corps on 11 October 1966 at the age of 17. Your record reflects that approximately six months later, on 14 April 1967, you received nonjudicial punishment (NJP) for a 22 day period of unauthorized absence (UA) and were awarded restriction for 30 days. On 22 November 1967 you were convicted by special court-martial (SPCM) of three periods of UA totalling 114 days. You were sentenced to confinement at hard labor for six months and a \$360 forfeiture of pay.

The record further reflects that on 8 May 1968 you received nonjudicial punishment (NJP) for absence from your appointed place of duty. The punishment imposed was restriction for 21 days. On 21 October 1968 you were convicted by SPCM of a 98 day period of UA. You were sentenced to forfeitures totalling \$420, confinement at hard labor for six months, and a bad conduct discharge (BCD). On 17 January 1969 you submitted a written request for immediate execution of the BCD, in which you stated, in part, that you wanted out of the Marine Corps and that you would never go back to serve on active duty. Subsequently, the

BCD was approved at all levels of review and ordered executed. On 14 February 1969 you received a BCD.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and immaturity and your contentions that you served as best you could under the circumstances, and that your actions were the results of the times. However, the Board concluded these factors and contentions were not sufficient to warrant recharacterization of your discharge given your frequent and lengthy periods of UA. Further, the Board noted that there is no evidence in your record, and you submitted none, to support your contentions. Given all the circumstances of your case, the Board concluded your discharge was proper as issued and no change is warranted. Accordingly, your application has been denied.

The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director